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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,727	07/09/2003	Mark A. Reiley	9448.17205-CIP DIV	1799

66854 7590 05/03/2007  
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2755 CAMPUS DRIVE  
SUITE 210  
SAN MATEO, CA 94403

EXAMINER
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ISABELLA, DAVID J

ART UNIT	PAPER NUMBER
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3738

MAIL DATE	DELIVERY MODE
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05/03/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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20070428

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Commissioner for Patents

SEE ATTACHED PAPER.



DAVID J ISABELLA  
Primary Examiner  
Art Unit: 3738

***Response to Arguments***

Applicant's arguments, filed 10/26/2006, with respect to support for the lamina as provided for in claims 44-50, 54, 55, 59-61 as illustrated and supported in elected embodiment illustrated in Figure 25 is convincing. Applicant has correctly pointed out that the embodiment of elected Figure 25 has an optional laminar attachment. Therefore, devices with or without a laminar attachment are supported by elected Figure 25. Additionally, Applicant notes that not all claims provide that "no portion of the device be supported by the lamina." For example, claim 58 (Copied Claim 15), does not contain that negative limitation. Further, as provided for in the specification, the device of Figure 25 is suitable for use when there has been a "wide decompressive laminectomy." (See, Specification, p. 23, Ins. 21-24, Paragraph [0116] of the publication). Moreover, the device may have a lamina attachment hole. (See, *id.*). The application further provides that the hemi-lamina/facet prostheses are used in situations where some or all of the lamina has been removed. (See, Specification, p. 22, Ins. 19-27; Paragraph [0113] of the publication). If the device of Figure 25 is suitable for use when all of the lamina has been removed, then the device of Figure 25 need not be supported by the lamina as provided for in claims 44-50, 54, 55, 59-61.

Applicant's arguments have been fully considered and are persuasive. The outstanding requirements of the office action mailed 9/12/2006 has been withdrawn.

Accordingly, the application is now in condition to be reviewed for possible interference as the request, by applicant, for an interference proceeding was filed on

Art Unit: 3738

2/10/2006. Examiner will review applicant's request to ensure that all formal matters have been correctly outlined and detailed.

Examiner encourages applicant's representative to contact the examiner if any outstanding questions or issues remain.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID J. ISABELLA whose telephone number is 571-272-4749. The examiner can normally be reached on MONDAY-FRIDAY.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CORRINE MCDERMOTT can be reached on 571-272-4754. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
DAVID J ISABELLA